

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DANIEL G. SANDOVAL,

Petitioner,

vs.

ROBERT LEGRAND, *et al.*,

Respondents.

3:11-cv-00799-LRH-VPC

ORDER

In this habeas matter under 28 U.S.C. § 2254, review of the record suggests that the Clerk of Court may not have fully followed through with an effective transmittal of the Court's prior order, which was time-sensitive.

Under current practice, when the Court grants a motion for appointment of counsel, the Court provisionally appoints the Federal Public Defender (FPD) as counsel so that the FPD may be electronically served with the appointment order and further filings in the case. Under current practice, the FPD accordingly is entered as counsel of record on the docket so that notices of electronic filing automatically will go to the FPD.

In this case, the docket entry for the Court's prior order (#3) states: "all copies sent and distributed by Clerk on 11/14/2011." However, the FPD was not entered as counsel of record on the docket. And the electronic receipt for the notice of electronic filing does not reflect that a copy of the order was sent to the FPD electronically or otherwise.

The Court accordingly will direct the Clerk to comply fully with the prior order and take the additional action below.

1 Further, given the administrative delays traditionally associated with the intervening holidays,
2 the Court will provisionally set a February 1, 2012, amended pleading deadline on the assumption that
3 the Federal Public Defender will be able to undertake the representation, following upon the discussion
4 of the federal limitation period in the prior order.

5 IT THEREFORE IS ORDERED that, consistent with the Court's prior order, the Clerk of Court
6 shall enter the Federal Public Defender provisionally as counsel of record and shall direct a notice of
7 electronic filing of both this order and the prior order and attachments to the Federal Public Defender.

8 IT FURTHER IS ORDERED that, given that time frequently is of the essence with regard to
9 orders such as the one entered previously herein, the Clerk is requested and directed to undertake a
10 review of procedures to assure that effective procedures are being followed in this regard.

11 IT FURTHER IS ORDERED that the Federal Public Defender shall file a response to the
12 Court's prior order (#3, at 4, lines 1-3) within **fourteen (14) days** of entry of this order.

13 IT FURTHER IS ORDERED that, contingent upon the Federal Public Defender being able to
14 undertake representation in this matter, petitioner shall have up to and including **February 1, 2012**,
15 within which to file an amended petition, with an opportunity for further leave to amend thereafter if
16 requested by separate motion with the filing of the amended petition.

17 The Court will screen any amended petition filed prior to ordering further action in the case,
18 subject to any such request first for an opportunity to further amend the petition.

19 DATED this 20th day of December, 2011.

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23 LARRY R. HICKS
24 UNITED STATES DISTRICT JUDGE
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